

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

CHARLOTTE CHARLES, *et al.*,

Plaintiffs,

vs.

ANNE SACOOLAS, *et al.*,

Defendants.

Case No.: 1:20-cv-1052

**COHEN MILSTEIN SELLERS & TOLL, PLLC'S
MOTION TO ENFORCE ITS CHARGING LIEN**

Cohen Milstein Sellers & Toll, PLLC ("CMST") respectfully moves for an order enforcing its charging lien on the parties' settlement funds. *See* Dkt. 76 (notifying court that parties had reached an agreement to settle this matter). CMST represented the Plaintiffs in this matter on a contingent basis for over 16 months, including the first 8 months of this litigation, before the Court granted CMST's motion to withdraw for good cause. Dkt. 47. CMST also fronted \$50,902.21 in costs in litigating Plaintiffs' claims. CMST has not received any payment towards its fee or costs.

CMST has a valid and perfected charging lien over the settlement funds pursuant to Va. Stat. Ann. § Va. Stat. Ann. § 54.1-3932(A). CMST requests that the Court award CMST the quantum meruit value of its services, plus the \$50,902.21 in out-of-pocket costs CMST has incurred, and order CMST be distributed that amount from the settlement fund.

CMST has met and conferred several times by phone with attorney Jay Nanavati, who is representing Plaintiffs with regard to the present fee dispute. CMST has also contacted successor counsel, Levy Firestone Muse, LLP, by letter and email, but successor counsel declined to engage in discussions to resolve this dispute. This motion therefore follows.

October 8, 2021

Respectfully submitted,

/s/ Steven J. Toll

Steven J. Toll, VSB #15300

Agnieszka M. Fryszman (*pro hac vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2021, I electronically filed the *Cohen Milstein Sellers & Toll PLLC's, Motion to Enforce Charge Lien* with the Clerk of the Court using the ECF, who in turn sent notice to counsel of record in this matter.

Dated: October 8, 2021

/s/ Steven J. Toll
Steven J. Toll